

Message Text

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TAGS: SHUM, CS

SUBJECT: DRAFT HUMAN RIGHTS EVALUATION REPORT
PREPARED BY ARA/CEN

REFS: (A) STATE 140421
(B) STATE 141243

POST COMMENTS AND SUGGESTED CHANGES ARE SOLICITED ON
FOLLOWING DRAFT. BEGIN TEXT:

A. CONDITIONS FOR HUMAN RIGHTS IN COSTA RICA

1. COSTA RICA'S RECORD HISTORICALLY HAS BEEN EXEMPLARY,
BOTH IN LATIN AMERICA AND THE WORLD CONTEXT, IN THE AREA
OF HUMAN RIGHTS. COSTA RICA IS AN AUTHENTIC DEMOCRACY,
WITH POLITICAL STABILITY AND PERSONAL FREEDOMS. THE
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GOVERNMENT OF COSTA RICA RESPECTS THE HUMAN RIGHTS OF ITS
PEOPLE AND DOES NOT ENGAGE IN TORTURE OR OTHER CRUEL
AND INHUMANE PUNISHMENT. THE GOVERNMENT'S RESPECT FOR HUMAN
RIGHTS EXTENDS TO THE RIGHT TO A FAIR AND PUBLIC TRIAL.

ARBITRARY ARREST IS PROHIBITED. ONE PARTIAL DEVIATION IS
OCCASIONAL DETENTION OF U.S. CITIZENS FOR SHORT PERIODS

(LESS THAN 24 HOURS) WITHOUT CLEARLY DEFINED LEGAL CHARGES. (GENERALLY THIS PROBLEM HAS OCCURRED WHEN AMERICANS HAVE BEEN SUSPECTED OF NARCOTICS VIOLATIONS.) SINCE COSTA RICAN AUTHORITIES CAN LEGALLY HOLD A SUSPECT UP TO 62 HOURS WITHOUT CHARGE, IT IS DIFFICULT TO CLAS- SIFY THESE INSTANCES AS CLEAR EXAMPLES OF ARBITRARY ARREST AND DETENTION.

2. CIVIL AND POLITICAL LIBERTIES ARE RESPECTED IN COSTA RICA UNDER ITS CONSTITUTION. THERE ARE 29 SPECIFIC ARTICLES REGARDING HUMAN RIGHTS: THEY PROTECT AN INDI- VIDUAL'S FREEDOM OF THOUGHT, RELIGION AND ASSEMBLY, AS WELL AS EMIGRATION RIGHTS AND FREEDOM OF MOVEMENT AND EXPRESSION. INTERNATIONAL ORGANIZATIONS, INCLUDING AMNESTY INTERNATIONAL, HAVE FOUND NO VIOLATIONS OF HUMAN RIGHTS IN COSTA RICA.

3. THE GOVERNMENT'S EFFORTS TO IMPROVE SOCIAL JUSTICE AND REDUCE POVERTY ARE GENUINE AND MUCH MORE ADVANCED THAN IN MUCH OF LATIN AMERICA. THE GOVERNMENT IS SERI- OUSLY COMMITTED TO REDUCING BOTH RURAL AND URBAN POVERTY BY PROVIDING SOCIAL SERVICES AND GENERATION OF EMPLOYMENT TO PROMOTE A MORE EQUITABLE INCOME DISTRIBUTION. EXAMPLES OF THIS ARE GOVERNMENT ASSISTANCE TO SMALL LABOR- INTENSIVE INDUSTRIES AND CONSTRUCTION OF LOW-COST HOUSING FOR THE POOREST URBAN POPULATION.
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4. IN THE HEALTH FIELD EMPHASIS HAS BEEN PLACED ON INTE- GRATING FAMILY PLANNING SERVICES INTO GENERAL HEALTH CARE PROGRAMS. POPULATION PLANNING, ALONG WITH FOOD AND NUTRI- TION PROGRAMS ARE EXTENDED TO THE RURAL AREAS. THE AVAIL- ABILITY OF EDUCATIONAL OPPORTUNITIES IS ONE MORE INDICA- TION OF THE GOVERNMENT'S COMMITMENT TO THE WELFARE AND ECONOMIC STANDING OF ITS POPULATION.

5. COSTA RICA'S RECORD OF PROTECTING HUMAN RIGHTS DOMES- TICALLY HAS ALLOWED IT TO ASSUME A LEADERSHIP ROLE IN PROTECTION OF HUMAN RIGHTS INTERNATIONALLY.

B. ANALYSIS AND RECOMMENDATIONS

1. THE ABSENCE OF HUMAN RIGHTS VIOLATIONS IN COSTA RICA MAKES THAT COUNTRY AN IMPORTANT PART OF OUR WORLDWIDE HUMAN RIGHTS EFFORT. IT IS IN A COUNTRY SUCH AS COSTA RICA THAT WE CAN DEMONSTRATE THAT OUR HUMAN RIGHTS POLICY IS NOT SIMPLY NEGATIVE, BUT THAT IT IS AND WILL BE POSITIVE.

2. PARADOXICALLY, HOWEVER, IT NOW APPEARS MORE DIFFICULT FOR THE UNITED STATES TO PROVIDE POSITIVES TO A COUNTRY WITH A RECORD AS GOOD AS COSTA RICA'S THAN IT IS TO IMPOSE SANCTIONS ON VIOLATOR COUNTRIES. EVEN MORE PARADOXICAL IS THE FACT THAT THERE HAS BEEN AT LEAST SENTIMENT THAT COSTA RICA -- WHICH HAS ACHIEVED A RELATIVELY HIGH PER CAPITA GDP -- SHOULD BE "GRADUATED" FROM BILATERAL ASSISTANCE.

3. OUR HUMAN RIGHTS ACTION PLAN SHOULD ADDRESS ITSELF TO THESE PARADOXES. WE SHOULD MAKE CLEAR THAT WE HAVE EVERY INTENTION OF MAINTAINING DEVELOPMENT ASSISTANCE TO COSTA RICA, AND WE MAY EVEN WISH TO CONSIDER INCREASING IT, TO DEMONSTRATE CLEARLY THAT COSTA RICA'S DEVELOPMENTAL

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ACHIEVEMENTS CONTINUE TO ENJOY OUR FULL SUPPORT. WHETHER OR NOT COSTA RICA BECOMES A "LABORATORY" FOR AN ASSISTANCE STRATEGY AIMED AT MIDDLE INCOME DEVELOPING COUNTRIES, ASSISTANCE TO COSTA RICA SHOULD CONTINUE.

4. IN THE DEVELOPMENT AREA, WE SHOULD ALSO TAKE SOME ACTION IN THE IFI'S THAT WOULD ENABLE US TO GIVE MORE THAN "NON-NEGATIVE" SUPPORT FOR LOANS TO COUNTRIES WITH GOOD RECORDS. THIS COULD BE THROUGH SOME FORM OF "CHANNELING" OF LOANS TO DEVELOPING COUNTRIES OR THROUGH CREATION OF A SPECIAL FUND DESIGNED TO PROMOTE DEVELOPMENT IN COUNTRIES WHICH HAVE OUTSTANDING HUMAN RIGHTS RECORDS.

5. BECAUSE COSTA RICA'S PRINCIPAL ECONOMIC OBJECTIVE IS INCREASED ACCESS TO U.S. MARKETS FOR ITS EXPORTS, PRIMARILY AGRICULTURAL COMMODITIES AND MEAT, WE SHOULD DEVELOP, ON MORE THAN AD HOC BASIS, MECHANISMS WHICH WOULD GIVE US FLEXIBILITY IN OUR TRADE RELATIONS. OUR RELATIONS WITH COSTA RICA HAVE OVER THE PAST SEVERAL YEARS BEEN SUBJECTED TO AN ANNUAL STRAIN OVER OUR INABILITY TO INCREASE, EXCEPT IN THE MOST TOKEN WAY, COSTA RICA'S MEAT QUOTA TO THE U.S. RIGIDITIES IN THE LEGAL STRUCTURE OF THE U.S. MEAT LAW ACCOUNT FOR PROBLEMS SUCH AS THIS ONE. IF HUMAN RIGHTS IS GOING TO BE A CRUCIAL ELEMENT OF OUR RELATIONS WITH DEVELOPING COUNTRIES, WE SHOULD ACQUIRE FROM CONGRESS THE FLEXIBILITY NECESSARY TO ASSIST THOSE THAT HAVE EXEMPLARY RECORDS OR SUBSTANTIALLY IMPROVE THEIR PERFORMANCE.

6. A THIRD COMPONENT OF OUR HUMAN RIGHTS ACTION PLAN WITH COSTA RICA HAS ALREADY BEEN DEVELOPING WELL: COOPERATION IN INTERNATIONAL ORGANIZATIONS TO PROMOTE HUMAN RIGHTS. IN HIS APRIL SPEECH TO THE UNITED NATIONS, THE PRESIDENT

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ENDORSED COSTA RICA'S PLAN TO HAVE THE UN CREATE A HIGH COMMISSIONER FOR HUMAN RIGHTS. WE ARE CONSULTING AT THE

UN TO BRING THAT PROPOSAL NEARER SUCCESS AT THIS YEAR'S UNGA.

7. AT THE OAS GENERAL ASSEMBLY IN GRENADA, COSTA RICA PLAYED A MOST CONSTRUCTIVE ROLE. WE SHOULD CONTINUE WORK CLOSELY WITH COSTA RICA IN THE OAS, PARTICULARLY IN THE HUMAN RIGHTS COMMISSION, TO MAKE THAT ORGANIZATION'S EFFORTS MORE VIGOROUS, TIMELY, AND EFFECTIVE.

8. FINALLY, WE HAVE AGREED TO CONSULT ON THE ISSUE OF POLITICAL REFUGEES. COSTA RICA IS A HAVEN FOR MANY OF LATIN AMERICA'S POLITICAL REFUGEES, AND IS PROUD OF THAT FACT. MRS. CARTER RAISED THIS ISSUE WITH THE COSTA RICANS DURING HER VISIT, AND GOT A POSITIVE RESPONSE. WE SHOULD FOLLOW UP ON THIS WITH SPECIFIC SUGGESTIONS TO WHICH THE COSTA RICANS COULD REACT.

9. WE DO NOT DOUBT THAT A POSITIVE ACTION PLAN WILL IN MANY WAYS BE MORE DIFFICULT TO IMPLEMENT THAN ONE INVOLVING SANCTIONS OR DISASSOCIATION. BUT IF THE HUMAN RIGHTS POLICY IS TO HAVE FULL MORAL AUTHORITY, WE BELIEVE WE SHOULD MAKE SERIOUS EFFORTS TOWARD THESE POSITIVE GOALS. VANCE

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